

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION

IN RE:	§	
	§	
IRONCLAD PRESSURE CONTROL, LLC	§	Case No. 23-70156
	§	In Proceedings Under Chapter 11
Debtor.	§	Subchapter V

**DEBTOR'S RESPONSE TO MOTION TO LIFT AUTOMATIC STAY
AND BRIEF IN SUPPORT
[Refers to Docket No. 28]**

TO THE HONORBLE SHAD ROBINSON, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Ironclad Pressure Control, LLC, the Debtor in Possession in the referenced Chapter 11 bankruptcy proceeding ("Debtor"), and files this *Debtor's Response to Motion to Lift Automatic Stay and Brief in Support* ("Response") and in support thereof would respectfully show unto the Court as follows:

Generally

1. Debtor generally objects to the relief requested by C&W International Fabricators, LLC ("C&W") in the *Motion to Lift Automatic Stay and Brief in Support* [Dkt 28] ("Motion") filed by C&W on January 4, 2024.

Response

2. The allegations contained in paragraphs 1 and 2 of the Motion constitute a summary of the relief requested by C&W. Therefore, no response is required; however, in an abundance of caution, Debtor denies C&W is entitled to the relief requested in paragraphs 1 and 2 of the Motion of C&W.

3. Debtor admits the State Court Suit¹ is pending against Ironclad Pressure Control, LLC, Ermelinda Rivas, Bailee Nicole Rivas-Fernandez and Albert Dehoyos as alleged in paragraph 3 of the Motion by C&W. The petition filed by C&W in the State Court Suit speaks for itself. The remaining allegations contained in paragraph 3 of the Motion are denied.

4. Debtor admits the State Court Suit was filed December 4, 2023, and includes multiple theories of recovery against Ironclad and the other defendants as alleged in paragraph 4 of the Motion of C&W. Debtor is not aware the defendants have actually been properly served with process in the State Court Suit and would not be surprised if answers have not been filed.

5. Debtor admits to the allegations contained in paragraph 5 of the Motion of C&W.

6. Debtor admits to the allegations contained in paragraph 6 of the Motion of C&W.

7. Paragraph 7 of the Motion of C&W proports to be a summary of law and therefore, no response is required.

8. Paragraph 8 of the Motion of C&W proports to be a summary of law and therefore, no response is required.

9. Debtor admits the petition filed in the State Court Suit contains contentions including lack of “identity” between Ironclad and Rivas, Rivas-Fernandez and/or Dehoyos as alleged in paragraph 9 of the Motion of C&W. Debtor denies C&W is entitled to the relief requested in paragraph 9 of the Motion.

10. Paragraph 10 of the Motion of C&W proports to be a summary of law and therefore, no response is required.

11. Debtor denies the allegations contained in paragraph 11 of the Motion of C&W insofar as it is alleged several of the “factors” are relevant and weigh heavily in favor of lifting the

¹ As defined in the Motion.

stay so C&W can proceed with the State Court Suit. The balance of paragraph 11 of the Motion of C&W proports to be a summary of law and therefore, no response is required.

12. Debtor denies the allegations contained in paragraph 12 of the Motion of C&W.

13. Debtor denies the allegations contained in paragraph 13 of the Motion of C&W.

14. Debtor denies the allegations contained in paragraph 14 of the Motion of C&W.

Interests of C&W are Adequately Protected

15. Denial of relief from stay with respect to the State Court Case is warranted under the circumstances. The Bankruptcy Code and Rules provide for liquidation of claims of creditors of a debtor through the proof of claim and claims reconciliation process. This Court has set a bar date for filing claims of February 16, 2024, and C&W has the option to file a claim in the pending bankruptcy case.

16. Debtor is currently evaluating the advisability of removal of the State Court Suit to Bankruptcy Court. The Debtor holds defenses and counterclaims against C&W as well as Bankruptcy Code Chapter 5 causes of action for recovery of transfers of assets of the Debtor to C&W during the ninety-day period immediately preceding the commencement of the subject bankruptcy proceeding which will be the subject of a future counterclaim and/or adversary proceeding.

17. Finally, insofar as certain of the defendants in the State Court Suit are directly involved in the management of the Debtor, continuation of the State Court Suit in its current venue will be disruptive to the business operations of the Debtor as well as proper administration of the instant bankruptcy proceeding.

WHEREFORE, PREMISES CONSIDERED, Ironclad Pressure Control, LLC, the Debtor in Possession herein, respectfully prays for an order of this Court denying the Motion of

C&W and granting such other and further relief, at law or in equity, to which the Debtor may be shown justly entitled.

Dated this the 18th day of January, 2024.

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COUNSEL FOR DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of January, 2024, a copy of the foregoing Response was served via ECF on the parties registered with the Court to receive ECF, via electronic mail or first-class United States mail to the persons listed below.

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